

Incident#  
10355

Case 1:05-cv-00399-JJF

SCI Sussex Correctional Institution  
PO Box 500

Document 8-13 Filed 04/18/2006

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Date: 01/25/2006

GEORGETOWN DE, 19947

Phone#: 302-856-5280

## INCIDENT REPORT

Group#: N/A Type: Inmate Involved Incident Date: 05/22/2005 Time: 10:30 Confidential: No

Facility: SCI Sussex Correctional Institution

Followup Required : No

Associated Disciplinary Report #(s): 4896

Associated Disciplinary Report #(s): 4897

Incident Location: MERIT

Location Description: West tier

Violated Conditions: 2.06/200.108 Failing to Obey an Order

### Description of Incident:

On the above time and date I informed Inmate Henry that if he wanted to keep his job that he had to clean the showers before I got off of work and I checked them. When I looked at the showers they were dirty and had soap slime thick on the walls and in the corners. When I made gym call Inmate Henry was in the line to go to gym. I (Cpl Stolzenbach) asked inmate Henry " you going to gym" and he replied "yes". After he came back from gym inmate Henry made a half hearty attempt at cleaning the showers. Inmate Henry than sit down at a table and started playing cards . I checked the showers and informed inmate Henry that they were not clean and he needs to get back to work on them. Inmate Henry kept playing cards and made no more attempts to clean the showers.

Injured Persons	Hospitalized	Nature Of Injuries
N/A	N/A	N/A

Evidence Type: N/A

Date Collected: N/A

Discovered By : N/A

Secured By: N/A

Type of Force Used: ☐ PHYSICAL ☐ CHEMICAL ☐ STUN ☐ OTHER ☐ CAPSTUN ☒ NONE

Restraints Used : N/A

### Immediate Action Taken:

Forms 404 and 338 filed

Individuals Involved			
Person Code	Name	SBI#	Title
Inmate	Nathan, Henry L	00324881	N/A
Staff	John, Stolzenbach A Jr	N/A	CO Corporal/Sgt. - Large Inst.

Reporting Officer: Stolzenbach, John A Jr(Co Corporal/Sgt. - Large Inst.)

Entered By: Stolzenbach, John A Jr(Co Corporal/Sgt. - Large Inst.)

### Approval Information

☒ Approved ☐ Disapproved Date: 05/23/2005 Approved by: Walker, Paul J III (Shift Commander - Large Inst.)

Comments: Assigned to Lt J. Hollis

Disciplinary#  
4896

SCI - Sussex Correctional Institution

PO Box 500  
GEORGETOWN DE, 19947  
Phone No. 302-856-5280

### DISCIPLINARY REPORT

Disciplinary Type: Class2

Housing Unit: PRE-TRIAL

IR#: 10355

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00324881	Henry, Nathan L	SCI	MERIT	05/22/2005	10:30

Violations: 2.06/200.108 Failing to Obey an Order

Witnesses: 1. Stolzenbach, John

2. N/A

3. N/A

#### Description of Alleged Violation(s)

On The Above Date And Time I (Cpl Stolzenbach) Informed Inmate Henry To Clean The Showers. Inmate Henry Made A Half Heart Attempt At Cleaning Them And Sit Down To Play Cards. I Informed Henry That They Were Not Clean And He Kept Playing Card Therefore He Disregard My Orders.

Reporting Officer: Stolzenbach, John A Jr(CO Corporal/Sgt. - Large Inst.)

#### Immediate Action Taken

Immediate action taken by: Stolzenbach, John A Jr-CO Corporal/Sgt. - Large Inst.

Forms 404 And 338 Filed

#### Offender Disposition Details

Disposition: N/A

Date: N/A

Time: N/A

Cell secured? No

Reason: N/A

Disposition Of Evidence: N/A

#### Approval Information

Approved: ☒

Disapproved: ☐

Approved By: Walker, Paul J III(Shift Commander - Large Inst.)

Comments: Assigned To Lt J. Hollis

#### Shift Supervisor Details

Date Received:

Time:

Received From: Stolzenbach, John A Jr

#### Shift Supervisor Determination:

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for \_\_\_\_\_ hours not to exceed 24 hours)
- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing

\_\_\_\_\_  
Walker, Paul J III(Shift Commander - Large Inst.)

I have received a copy of this notice on DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing  
Officer: \_\_\_\_\_

Offender: \_\_\_\_\_

Henry, Nathan L



PO Box 500  
 GEORGETOWN DE, 19947  
 Phone No. 302-856-5280

### DISCIPLINARY HEARING DECISION

Inmate : Henry, Nathan L SBI#: 00324881 Type: Class 2  
 Institution: SCI Sussex Correctional Institution Hearing Date: 05/25/2005 Time: 11:05

Inmate Present: Yes Reason(If No): N/A

Violation: 2.06/200.108 Failing to Obey an Order

Inmate PLEA: Not Guilty

Inmate Statement: Cpl told me to "get the showers done before i leave." He did not explain what he wanted or how clean they should be.

Witness Name: Stolzenbach, John A

Testimony : per incident report

Decision : Guilty

Rational : incident report

Sanctions: N/A

HEARING OFFICER'S SIGNATURE \_\_\_\_\_

Hollis, James W

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I ☐ DO ☒ DO NOT INTEND TO APPEAL

\_\_\_\_\_  
 INMATE's SIGNATURE

### ORDER TO IMPLEMENT SANCTIONS

☒ Inmate does not wish to appeal ☐ Appeal has been denied by Commissioner or Designate  
☐ Sanctions have been modified ☐ Time Limit(72 Hours since hearing) for appeal has expired

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Loss of All Privileges	05/26/2005	1	05/27/2005

PO Box 500

Sussex, DE, 19947

Phone#: 302-856-5280

**DISCIPLINARY HEARING APPEAL FORM**Inmate : Henry, Nathan LSBI#: 00324881Type: Class 2Institution: SCI Sussex Correctional InstitutionHearing Date: 05/25/2005Time: 11:05**RE: DISCIPLINARY HEARING**

You have the right to appeal the decision of the Hearing officer to the Commissioner of the Department of Correction, or his designee. Execution of any sanction imposed by the hearing officer shall be automatically stayed for Seventy-Two(72) hours immediately following the hearing **(UNLESS) YOU INDICATE ON THIS FORM THAT YOU DO NOT WANT** to appeal. If You do not file an appeal within seventy-two (72) hours, or if you indicate on this form that you do not want to appeal, the sanction shall be carried out immediately.

☐ Yes, I do want to appeal. ☒ No, I do not want to appeal.

I want the decision of the Hearing Officer to be :

☐ Reversed, and/or ☐ Remanded for further Proceedings.

My reasons for making this appeal are :

N/A

DATE: 01/25/2006

SIGNATURE: \_\_\_\_\_

Henry, Nathan L

To file this appeal, give it to Hollis, James W

\* The 72-hour time limit will run only while you are incarcerated.



Select Offender SBI Number     Today's Date

Name    DOB  R/S   Sec/Cust  Multi Status   
 Location  PO  Location  PO

Disciplinary #  Disciplinary Type  Incident #   
 Date of Occurrence  Time of Occurrence  Location of Occurrence   
 Status  Reason for Nullification

Hearing Officer Decision Appeal Information Review Decision Order to Implement Sanctions

Violation  Description of Violation   
 Date  Hearing Officer    Title   
☒ Individual ☐ Cumulative  
 Sanction Description  Start Date  Time  # of days  End Date   
 Start Date  Time  # of impl Days  End Date     
 Reason for Order to Implement Sanctions  
☒ Inmate Does not wish to Appeal  
☐ Time Limit (72 hrs since hearing) for appeal has expired  
☐ Appeal has been denied by Approving Authority  
☐ Sanctions have been modified

Hearing Decision Offender Appeal Review Decision Clear OK/Save Cancel/Exit